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C O N F I D E N T I A L BAGHDAD 003997

SIPDIS

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SUBJECT: SHIA LEADER AGREES SMALL CHANGES TO DRAFT
CONSTITUTION POSSIBLE IF SUNNI ARABS AGREE TO SUPPORT IT

Classified By: AMBASSADOR KHALILZAD, REASON 1.5 (B) AND
(D).

1. (C) Shia Islamist Coalition leader Abdel Aziz al-Hakim told the Ambassador 9/24 evening that, in principle, he would accept small changes to the draft constitution's language if it would gain Sunni Arab support at the referendum. The Ambassador referred to earlier discussions with Sunni Arabs and said it would be helpful to remain open-minded about changes to the draft text on three issues:

- maintaining Iraq's unity;
- Iraq's Arab identity and use of the Arabic language in Kurdistan;
- the language on how to amend the constitution.

The Ambassador underlined that the goal of any such exercise was to secure the widest support possible for the draft constitution at the October 15 referendum.

2. (C) Al-Hakim said the Shia, including Muqtada Sadr, would solidly support the constitution. He cautioned that the changes should not go so far that they would force Kurdish leader Barzani to reject the draft text. That said, the Shia Coalition would not object to language that strengthened the commitment to Iraq's unity or Iraq's Arab identity. He would be willing to study proposals.

3. (C) Hakim was concerned about the security problems in Anbar and Diyala provinces. He said many voters, including Sunni Arabs, would be too intimidated to vote. He wondered whether it would not be best to scrap Transition Administration Law (TAL) Article 61 (c) that stipulates that a 2/3 vote in three provinces means the draft constitution fails at the referendum. The Ambassador urged caution. It would be better to reach out and build support for the draft than change the TAL, he urged.

4. (C) Hakim then urged the Americans to be tough on Sunni terrorists and to help those Sunni Arabs willing to fight them. He told the Ambassador he would accept arming Sunni tribes that will combat the terrorists. (Hakim anticipated they would stop fighting once the terrorists quit the tribes' territories.)

5. (C) Hakim pointed to Basra and said that the British had erred in their operations in Basra. Sending undercover soldiers in black clothing like sayyids (descendents of the Prophet Mohammed) aroused religious sensitivities. Shooting Iraqi police, and then fleeing, was bound to raise local ire even more. The Ambassador cautioned that the British had faced a potential hostage situation and had to respond. He urged that Hakim support a joint investigation that would identify the policy implications of the critical events. Hakim accepted that this would be useful.

6. (C) Comment: Hakim's suggestion that article 61(c) be set aside suggests he is not sure the draft constitution will pass.
Khalilzad